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REMARKS

In the Office Action, the Examiner noted that claims 1-44 are pending in the application and that claims 1-44 are rejected. By this response, claims 1, 17-18, 31, and 35 are amended, and claims 6 and 21 are cancelled. In view of the above amendments and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, the Applicant believes that all of these claims are now in condition for allowance.

I. REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner rejected claims 1-5, 7-11, 13, 17-20, 25, 27, and 31-44 as being anticipated by Ben-Yehezkel (United States patent 6,049,711, issued April 11, 2000). More specifically, the Examiner stated that Ben-Yehezkel describes providing location-based information for a wireless device as recited in the Applicant's Independent claims 1, 17, and 31. (Office Action, p. 2). The rejection is respectfully traversed.

Ben-Yehezkel generally teaches a system for providing location-based information to a requesting user. (See Ben-Yehezkel, Abstract). In particular, Ben-Yehezkel describes sending a request for information services from a requesting unit to a server over a wireless network, a publicly switched telephone network (PTSN, or a wireless network referred to as the TELETRAC network. (Ben-Yehezkel, col. 5, lines 15-35). The request includes an Identification number representing a subscriber unit. (Ben-Yehezkel, Abstract).

Ben-Yehezkel, however, does not teach each and every element of the Applicant's invention recited in amended claim 1. Namely, Ben-Yehezkel does not teach or suggest receiving an electronic mail message associated with a pre-defined address from a wireless device via a wireless network. Specifically, the Applicant's amended claim 1 positively recites:

"A method for providing location-based information for a wireless device, the method comprising:
receiving a message from said wireless device via a wireless network,
said message comprising an electronic mail message associated with a pre-
defined address;

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determining whether the received message contains a request for location-based information;
determining the location of said wireless device using said wireless network if the received message is determined to contain the request;
retrieving location-based information related to the determined location;
and
transmitting the location-based information to said wireless device via said wireless network." (Emphasis added).

Claim 1 has been amended to incorporate the features of claim 6, which has been cancelled. Additional support for the amendment may be found in the Applicant's specification on page 5, line 10, through page 6, line 12.

While Ben-Yehezkel generally describes receiving a request from a mobile unit at server, Ben-Yehezkel is devoid of any teaching or suggestion of receiving an electronic mail message associated with a pre-defined address. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Since Ben-Yehezkel does not teach receiving an electronic mail message associated with a pre-defined address from a wireless device via a wireless network, Ben-Yehezkel does not teach each and every element of the Applicant's invention recited in claim 1. Therefore, the Applicant contends that claim 1 is not anticipated by Ben-Yehezkel and, as such, fully satisfies the requirements of 35 U.S.C. §102.

Furthermore, Ben-Yehezkel does not teach each and every element of the Applicant's invention recited in amended claim 17. Namely, Ben-Yehezkel does not teach or suggest a method for providing a location of a wireless device that receives an electronic mail message associated with a pre-defined address from a sending device utilized by a first user. Nor does Ben-Yehezkel teach each and every element of the Applicant's invention recited in amended claim 31. Namely, Ben-Yehezkel does not teach or suggest an apparatus for providing location-based information of a wireless device that includes support circuits for receiving an electronic mail message associated with a pre-defined address. As discussed above, Ben-Yehezkel does not teach or suggest the use of an electronic mail message for requesting information services.

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Therefore, the Applicant contends that claims 17 and 31 are not anticipated by Ben-Yehezkel and, as such, fully satisfy the requirements of 35 U.S.C. §102.

Finally, claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 depend, either directly or indirectly, from claims 1, 17, and 31 and recite additional features therefor. Since Ben-Yehezkel does not anticipate the Applicant's invention as recited in claims 1, 17, and 31, dependent claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 are also not anticipated and are allowable.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. §103

A. Claims 6 and 21-24

The Examiner rejected claims 6 and 21 as being unpatentable over Ben-Yehezkel in view of Holland (United States patent 6,321,091, issued November 20, 2001). The rejection is respectfully traversed.

More specifically, the Examiner conceded that Ben-Yehezkel does not teach receiving an electronic mail message. (Office Action, p. 8). The Examiner stated, however, that Holland teaches receiving a message or signal that includes an email message, where the Examiner interpreted a "received signal" to include a "received message." (Office Action, p. 8). The Examiner concluded that it would have been obvious to "follow Holland [and] Ben-Yehezkel in order to provide better subscriber tracking." (Office Action, p. 8). The Applicant respectfully disagrees.

Holland generally teaches a position location and tracking system. (See Holland, Abstract). In particular, Holland describes a mobile locator device having a cellular modem for transmitting position data to a wireless service provider. (Holland, col. 7, lines 13-27). Holland also describes a subscriber computer in communication with a server via an HTTP protocol for requesting position of a mobile locator device. (Holland, col. 9, lines 30-62).

Claim 6 has been cancelled and its features incorporated into claim 1. The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious the Applicant's invention as recited in claim 1. Namely, the combination of Ben-Yehezkel and Holland fails to teach or suggest a method of

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providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from a wireless device via a wireless network. As discussed above, Ben-Yehezkel is devoid of any teaching or suggestion of using of an electronic mail message for requesting information services. In addition, Holland fails to teach or suggest using an electronic mail message for transmitting position data to a server.

Notably, Holland generally teaches transmitting position data to a server using a cellular modem. There is no teaching or suggestion in Holland that the mobile locator device transmits the position data to the server using an electronic mail message associated with a pre-defined address. In essence, Holland teaches no more than Ben-Yehezkel in that each reference generally describes the transmission of data from a mobile device to a server. However, neither of the references teaches use of an electronic mail message associated with a pre-defined address to request data from a server. Since neither Ben-Yehezkel nor Holland teaches or suggests receiving an electronic mail message associated with a pre-defined address from a wireless device via a wireless network, no conceivable combination of Ben-Yehezkel and Holland renders obvious the Applicant's invention as recited in claim 1.

Claim 21 has also been cancelled and its features incorporated into claim 17. The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious the Applicant's invention as recited in claim 17. Namely, the combination of Ben-Yehezkel and Holland fails to teach or suggest a method of providing a location of a wireless device that receives an electronic mail message associated with a pre-defined address from a sending device utilized by a first user. Again, Ben-Yehezkel is devoid of any teaching or suggestion of using of an electronic mail message for requesting information services. While Holland teaches a server that received a position request from a subscriber computer using an HTTP protocol, Holland does not teach or suggest receiving an electronic mail message associated with a pre-defined address from a sending device. Use of an HTTP protocol to transmit a position request, as disclosed by Holland, does not teach or suggest requesting location information using an electronic mail message associated with a pre-

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defined address, as recited in the Applicant's claim 17. Thus, no conceivable combination of Ben-Yehezkel and Holland renders obvious the Applicant's invention as recited in claim 17.

Therefore, the Applicant contends that claims 1 and 17 are patentable over the combination of Ben-Yehezkel and Holland and, as such, fully satisfy the requirements of 35 U.S.C. §103. Moreover, claims 23-24 depend, either directly or indirectly, from claim 17 and recite additional features therefor. Since the combination of Ben-Yehezkel and Holland does not render obvious the Applicant's invention as recited in claim 17, dependent claims 23-24 are also nonobvious and are allowable.

B. Claims 12 and 26

The Examiner rejected claims 12 and 26 as being unpatentable over Ben-Yehezkel in view of Fattouche (United States patent 5,890,068, issued March 30, 1999). The rejection is respectfully traversed.

More specifically, the Examiner conceded that Ben-Yehezkel does not teach determining the location of a communications tower previously receiving a wireless signal from a wireless device. (Office Action, p. 9). The Examiner stated, however, that Fattouche teaches "measuring location by allowing a location acquisition station (or a communication tow) to receive radio signals to obtain arrival estimation [data]." (Office Action, p. 9). The Examiner concluded that it would have been obvious to "follow Fattouche [and] Ben-Yehezkel in order to provide...better signal determination." (Office Action, p. 9).

Fattouche generally teaches a wireless location system. (See Fattouche, Abstract). In particular, Fattouche utilizes time-of-arrival (TOA) estimates from several monitoring stations of a signal transmitted by a wireless transceiver to locate position thereof. (Fattouche, Abstract).

Claims 12 and 26 respectively depend from claims 1 and 17 and recite additional features therefor. The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious the Applicant's invention as recited in claims 1 and 17. Namely, the combination of Ben-Yehezkel and Fattouche fails to

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teach or suggest a method of providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from a wireless device via a wireless network, as recited in claim 1. Nor does the combination of Ben-Yehezkel and Fattouche teach or suggest a method of providing a location of a wireless device that receives an electronic mail message associated with a pre-defined address from a sending device utilized by a first user, as recited in claim 17.

As discussed above, Ben-Yehezkel is devoid of any teaching or suggestion of using of an electronic mail message for requesting information services. Fattouche is completely devoid of any teaching or suggestion of using an electronic mail message for requesting data. Rather, Fattouche is concerned with a mechanism for position location using TOA data. As such, no conceivable combination of Ben-Yehezkel and Fattouche renders obvious the Applicant's invention as recited in claims 1 and 17. Therefore, the Applicant contends that claims 12 and 26, which respectively depend from claims 1 and 17, are patentable over the combination of Ben-Yehezkel and Fattouche and, as such, fully satisfy the requirements under 35 U.S.C. §103.

C. Claims 14-16 and 28-30

The Examiner rejected claims 14-16 and 28-30 as being unpatentable over Ben-Yehezkel in view of Kennedy (United States patent 5,317,323, issued May 31, 1994). The rejection is respectfully traversed.

More specifically, the Examiner conceded that Ben-Yehezkel does not disclose determining the location of at least two communications towers previously receiving a wireless signal from a wireless device. (Office Action, p. 10). The Examiner stated, however, that Kennedy teaches locating position utilizing at least two radio or communication towers. (Office Action, p. 10). The Examiner concluded that it would have been obvious to "follow Kennedy [and] Ben-Yehezkel in order to provide a better accuracy." (Office Action, p. 10).

Kennedy generally teaches a geolocation system. (See Kennedy, Abstract). In particular, Kennedy teaches locating a mobile receiver using time-of-arrival information at multiple radio receivers having known locations. (Kennedy, Abstract).

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Claims 14-16 depend from claim 1 and recite additional features therefor. Claims 28-30 depend from claim 17 and recite additional features therefor. The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious the Applicant's invention as recited in claims 1 and 17. Namely, the combination of Ben-Yehezkel and Kennedy fails to teach or suggest a method of providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from a wireless device via a wireless network, as recited in claim 1. Nor does the combination of Ben-Yehezkel and Kennedy teach or suggest a method of providing a location of a wireless device that receives an electronic mail message associated with a pre-defined address from a sending device utilized by a first user, as recited in claim 17.

As discussed above, Ben-Yehezkel is devoid of any teaching or suggestion of using of an electronic mail message for requesting information services. Kennedy is completely devoid of any teaching or suggestion of using an electronic mail message for requesting data. Rather, Kennedy is concerned with a mechanism for position location using TOA data. As such, no conceivable combination of Ben-Yehezkel and Kennedy renders obvious the Applicant's invention as recited in claims 1 and 17. Therefore, the Applicant contends that claims 14-16 and 28-30, which depend from claims 1 and 17, are patentable over the combination of Ben-Yehezkel and Kennedy and, as such, fully satisfy the requirements under 35 U.S.C. §103.

CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

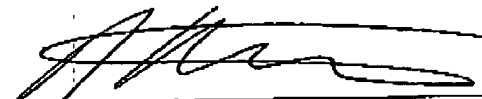
If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Robert M. Brush, Esq. or Mr. Raymond R.

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Moser, Jr., Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

3-15-04



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